

Notice of Allowability

Applicati n No.

10/534,291

Examiner

Yong Chu

Applicant(s)

COBURN ET AL.

Art Unit

1626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/5/2006.
2. ☒ The allowed claim(s) is/are 1,6-9,11-14 and 17.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachm nt(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Claims 2-5, 10, and 15-16 have been canceled by the Supplemental Amendment filed on 10 May 2006. Claims 1, 6, and 17 have been amended by the Supplemental Amendment filed on 5 June 2006. Therefore, Claims 1, 6-9, 11-14, and 17 are pending in this application.

Response to Amendment

The Supplementary Amendment by Applicants' representative John C. Todaro dated on 5 June 2006 has been entered.

The rejection over claims 1-13 under 35 U.S.C. §112, First Paragraph under Written Description has been withdrawn due to the persuasive argument by Applicants and submission of Declaration under 37 C.F.R §1.132.

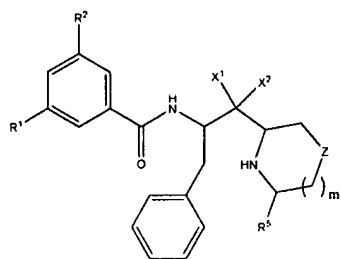
The objection over claims 14 and 15 has been withdrawn due to the amendment filed on 5 June 2006.

After considering Amendment filed on 5 June 2006, claims 1, 6-9, 11-14, and 17 are allowed.

Reasons for Allowance

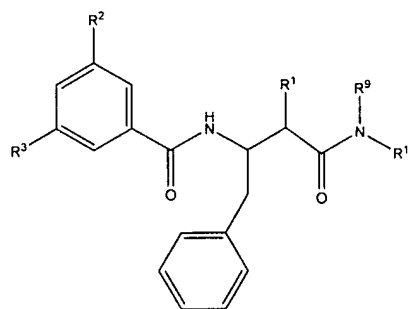
The present invention relates to a compound of Formula (I)

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or a pharmaceutically acceptable salt thereof, a

pharmaceutical composition containing at least one of the said compounds, and a method for treating Alzheimer's disease in a patient comprising administering to the patient a pharmaceutically effective amount of a compound of claim 1. This is a well-defined new class of compounds. The core structure within the scope of search is clear from prior art. The closest prior art of record is co-pending U.S. Patent Application



10/563,538 claiming a compound of formula

with same

inventive entity and assignee. However, one of the key substituents of the core structure is different. Therefore, there is no provisional double patenting found.

The method of treatment of Alzheimer's and pharmaceutical composition claims are supported by the Specification and the disclosed literatures such as *J. Med. Chem.* 2000, 43, 3434-42 by Moore et al., *Arch. Neurol.*, vol. 59 1367-8 by Rosenberg et. al, *J. Med. Chem.* 2002, 59, 16278-284 by Chen et al., as well as the compound inhibiting data submitted in Declaration under 37 C.F.R §1.132.

Therefore, claims 1, 6-9, 11-14, and 17 are allowed.

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Telephone Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yong Chu whose telephone number is 571-272-5759. The examiner can normally be reached on 7:00 am - 3:30 pm EST.

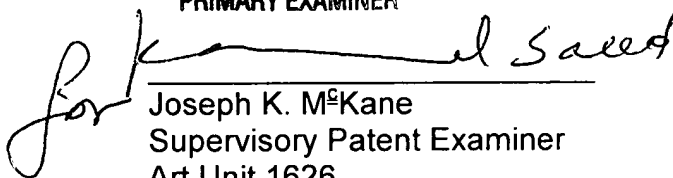
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph K. McKane can be reached on 571-272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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Patent Examiner
Art Unit 1626

KAMAL A. SAEED, PH.D.
PRIMARY EXAMINER



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